


1 Additionally, 28 U.S.C. §2253(c)(2) provides that a certificate may issue "only if the
2 applicant has made a substantial showing of the denial of a constitutional right." In the
3 certificate, the court must indicate which specific issues satisfy this showing. *See* 28 U.S.C.
4 §2253(c)(3). A substantial showing is made when the resolution of an issue of appeal is
5 debatable among reasonable jurists, if courts could resolve the issues differently, or if the
6 issue deserves further proceedings. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).
7 Upon review of the record in light of the standards for granting a certificate of appealability,
8 the Court concludes that a certificate shall not issue as the resolution of the petition is not
9 debatable among reasonable jurists and does not deserve further proceedings.

10 Accordingly, IT IS HEREBY ORDERED as follows:

- 11 (1) The Report and Recommendation (Doc. 14) is accepted and adopted.
- 12 (2) Petitioner's §2254 habeas petition is denied and this case is dismissed with prejudice.
- 13 (3) Petitioner's motion (Doc. 15) is denied; a Certificate of Appealability is denied and shall
14 not issue.
- 15 (4) The Clerk of the Court shall enter judgment accordingly and close the file in this matter.

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17 DATED this 9th day of May, 2014.

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20 Frank R. Zapata
21 Senior United States District Judge
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